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2 LEONARDO M. RAPADAS
United States Attorney
3 KARON V. JOHNSON
Assistant U.S. Attorney
4 Suite 500, Sirena Plaza
108 Hernan Cortez Avenue
5 Agana, Guam 96910
Telephone: (671) 472-7332/7283
6 Telecopier: (671) 472-7334

7 Attorneys for United States of America

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DISTRICT COURT OF GUAM

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MARY L.M. MORAN
CLERK OF COURT

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE TERRITORY OF GUAM**
11

12 UNITED STATES OF AMERICA,)
13)
Plaintiff,)
14)
vs.)
15)
RAYMOND N. ATOIGUE,)
16)
Defendant.)
17

CRIMINAL CASE NO. 05-00035

AMENDED UNITED STATES
MOTION FOR FINAL ORDER
OF FORFEITURE

18 COMES NOW the United States of America, by and through Leonardo M. Rapadas,
19 United States Attorney for the Districts of Guam and the Northern Mariana Islands, and Karon V.
20 Johnson, Assistant United States Attorney for the District of Guam, to respectfully move this
21 Honorable Court for a Final Order of Forfeiture in the above-captioned case, and in support
22 thereof represents to the Court the following facts:

- 23 1. That on August 31, 2005, a Preliminary Order of Forfeiture was filed with this Court.
24 2. Pursuant to Title 21, United States Code, § 853(n), third parties asserting a legal
25 interest in the above-described forfeited properties are entitled to a judicial determination of the
26 validity of the legal claims or interests they assert.
27 3. That the last day for any claimant to file a claim was November 15, 2005.

1 4. The United States published a Legal Notice, in compliance of notification of the
2 Court's Preliminary Order of Forfeiture, in the Pacific Daily News, a newspaper of general
3 circulation on October 2, 2005, October 9, 2005 and October 16, 2005. Said published Legal
4 Notice advised all third parties of their right to petition the Court within thirty (30) days of the
5 publication date for a hearing to adjudicate the validity of their alleged legal interest in the
6 forfeited property.

7 5. In addition, the United States served notice upon each of the signatories of these
8 accounts as follows: Teresita M. Moffett, Bank of Guam Account No. 0222-012676; Mary J.
9 Guerrero, Bank of Guam Account No. 0201-568106; and Marlene M. Mesa, Bank of Guam
10 Account No. 0201-336968, at their last known addresses. Each notice was dated December 1,
11 2005, and advised that the United States was seeking forfeiture of their respective accounts, and
12 that they were required to file a claim with the Office of the Clerk, United States District Court,
13 within 30 days after receipt of the notice. Each notice was sent by certified mail, return receipt
14 requested. According to the receipts this office received back, Teresita M. Moffett received her
15 notice January 9, 2006. The notice to Mary J. Guerrero was returned unclaimed; according to the
16 Hagåtña postmaster, her mail box was closed. The notice to Marlene M. Mesa was returned
17 marked address undeliverable.

18 6. No other third party has made a claim to or declared any interest in the above-
19 described forfeited property.

20 **WHEREFORE**, the United States moves this Court for a Final Order of Forfeiture
21 declaring the following accounts:


22 1) Bank of Guam Account No. 0201-336968;
23 2) Bank of Guam Account No. 0222-012676; and
24 3) Bank of Guam Account No. 0201-568106,
25 properties of defendant Raymond N. Atoigue and the above-listed signatories, be forfeited as to
26 all parties and vesting full right, title and interest in said Bank of Guam accounts, the properties
27 of defendant Raymond N. Atoigue and the above-listed signatories, in the United States and
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1 directing the United States Marshal to dispose of the defendant properties according to law.

2 Respectfully submitted this 10TH day of February, 2006.

3 LEONARDO M. RAPADAS
4 United States Attorney
5 Districts of Guam and the NMI

6 By:

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8 KARON V. JOHNSON
9 Assistant U.S. Attorney
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